

## **REMARKS**

### **Summary Of Interview**

Applicant, Robert E. Rodgers, Jr., and the undersigned met with Examiner Stephen Crow on August 24, 2006. Applicant and the undersigned would like to thank Mr. Crow for his availability and courtesy. Claims 97, 769 and 770 as set forth above were discussed. An agreement was reached on their allowability subject to Mr. Crow's further review of the art.

### **Response to Restriction Requirement**

The Examiner has required an election among Group I (figures 4-43), among the cam-type resistive embodiment -- Group II (figures 2a, 2b, 2c and 2d), and among the spring and/or damper embodiment -- Group III (figures 3a, 3b, 3c and 3d).

Applicant traverses this election requirement to the extent that an election of one or more of the embodiments shown in figures 4-43 of Group I includes either the cam-type resistive embodiment shown in one or more of the figures comprising Group II or the spring and/or damper embodiment comprising one or more of the figures shown in Group III. The more appropriate restriction would first be between either Group II or III and then the selection of figures from Group I based on the election of either Group II or III. Nevertheless, applicant hereby elects the cam system arrangement depicted in Group II (figures 2a-2d) and the following species from Group I having a cam system arrangement -- figures 4, 4a, 5-29, 33-37 and 39-43. Independent claims 97, 769 and 770 as set forth above are generic to Group II and include at least the species selected from Group I as noted above.

### **Clarification of Previously Filed Information Disclosure Statements**

At the August 24, 2006 interview, Applicant identified the following references which appear to be most material in the examination of the amended claims as currently pending:

5,499,956  
5,735,774  
5,935,046  
6,027,430

6,206,804

6,500,096

6,689,019

Publication 2002/0094914.

As noted from Applicant's election of the figures above, figures 4 and 4a of the present application are two of the figures elected pursuant to the Examiner's Restriction Requirement. Reliance on these two figures goes back to the June 6, 2003 filing date of provisional application number 60/476,548. Therefore, to the extent any pending claim reads on the embodiment shown in either figure 4 or 4a, the first provisional application (S/N 60/480,668) of the Lull Publication US 2005/0026752, filed June 23, 2003 is not prior art. Otherwise, to the extent any pending claim does not include the embodiment of figure 4 or 4a of the pending application, the first Lull provisional application serial number 60/480,668, filed June 23, 2003 is prior art. The other provisional application (S/N 60/555,434) of the Lull Publication US 2005/0026752 will not be prior art since it was filed March 22, 2004, which is later than all the provisional applications relied upon for priority in the present application.

Additionally, Applicant notes that the following references are pertinent to the invention, although they do not appear to be as material as the ones listed above:

5,290,211	6,196,948
5,299,993	6,217,485
5,401,226	6,248,044
5,743,834	6,248,045
5,762,588	6,338,698
5,779,599	6,361,476
5,865,712	6,368,252
5,910,072	6,390,953
5,919,118	6,416,442
5,921,894	6,436,007
5,957,814	6,440,042
5,993,359	6,565,486
5,997,445	6,612,969
6,027,431	6,626,802
6,053,847	6,629,909
6,123,650	6,648,801
6,126,574	2001/0001305
6,152,859	2001/0036886
6,165,107	2001/0051562
6,183,397	2001/0056010

2002/0019298  
2002/0055420  
2002/0165066  
2002/0198084

6,019,710  
6,036,622  
6,719,666  
2004/0097339

An additional Information Disclosure Form PTO 1449 is attached which lists all these references for the Examiner's convenience.


Applicant respectfully submits that all pending claims following entry of this amendment are allowable.

Additionally, per the Examiner's request, attached is a terminal disclaimer to obviate a provisional double patenting rejection over pending referenced applications.

Pursuant to 37 C.F.R. § 1.136(a), Applicant requests an extension of time of one month, to and including October 9, 2006, in which to file his response to the Office Action (Restriction Requirement) dated August 9, 2006. Pursuant to 37 C.F.R. § 1.17, the extension of time fee is \$120. A fee of \$250 is due for the new claims added in view of the cancellations. Additionally, pursuant to 37 CFR § 1.20(d) a terminal disclaimer fee of \$130 is due. The Commissioner is hereby authorized to debit a total of \$500 in payment of these fees from our Deposit Account No. 06-2380 under Order No. 53358/P007US/10608116 from which the undersigned is authorized to draw. Further, the Commissioner is hereby authorized to withdraw any additional fees required for entry of this amendment and response.

Dated: September 13, 2006

Respectfully submitted,

By 

Marc L. Delflache  
Registration No.: 28,942  
FULBRIGHT & JAWORSKI L.L.P.  
2200 Ross Ave., Suite 2800  
Dallas, Texas 75201  
(214) 855-7150  
(214) 855-8200 (Fax)  
Attorney for Applicant